

# **EXHIBIT D**

**Mast Feb. 9, 2024 *Touhy*  
Letter**



McGuireWoods LLP  
888 16<sup>th</sup> St. N.W., Suite 500  
Washington, DC 20006  
Phone: 202.857.1700  
www.mcguirewoods.com

Michael L. Francisco  
Direct: 202.857.1722  
mfrancisco@mcguirewoods.com

February 9, 2024

Kathryn Wyer  
United States Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530  
[Kathryn.Wyer@usdoj.gov](mailto:Kathryn.Wyer@usdoj.gov)

***Re: Baby Doe et al. v. Joshua Mast et al., Case No. 3:22-cv-49-NKM***

Ms. Wyer:

Today you will receive a link to Joshua Mast's supplemental set of specific documents he has identified as potentially requiring *Touhy* approval, consistent with the United States' application of *Touhy* in this and related proceedings, prior to being produced in response to the Plaintiffs' Requests for Production. As you previously requested, we have identified, to the best extent possible given our knowledge, which agencies whose approval appear needed for each document. Do hesitate to reach out if you have any challenges receiving the documents or any other technical difficulties with the transfer.

Please note that by seeking approval of these documents for release, we do not waive any of the Masts' objections and concerns with how *Touhy* has been applied in this and related cases, including to these documents in question. We look forward to receiving a determination of the *Touhy* status of these documents.

Cordially,

A handwritten signature in black ink, appearing to read "Michael Francisco".

Michael Francisco